

**DECLARATION UNDER 37 C.F.R. § 1.63  
(Joint Inventors)**

As the below named inventors, we hereby declare: that our residences, post office addresses and citizenships are as stated near our names below; that we are joint inventors and we believe we are the original and first inventors of the subject matter that is claimed and for which a patent is sought on the invention entitled:

**CONTROL AND MOTOR ARRANGEMENT FOR USE IN MODEL TRAIN**

which is described and claimed in the specification filed on October 31, 2000 having U.S. Application Serial No. 09/702,466 and amended by any amendment thereto submitted therewith (if any) and which is a Continuation-In-Part of U.S. Application Serial No. 09/185,885 filed November 4, 1998 (now abandoned); that we have reviewed and understand the contents of this specification, including the claims, as amended by any amendment referred to above; that we do not know and do not believe the same was ever known or used in the United States of America before our invention thereof or patented or described in any printed publication, in any country before our invention thereof more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America or an application filed by us or our legal representative or assigns more than twelve (12) months prior to this application; that we acknowledge our duty to disclose to the U.S. Patent and Trademark Office information of which we are aware that is material to the patentability to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56; and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by us or our legal representative or assigns except as follows:

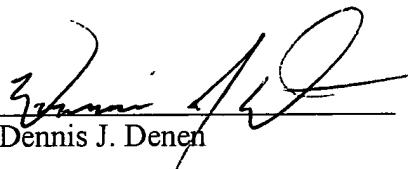
**None**

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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**DYKEMA GOSSETT PLLC**  
**39577 Woodward Avenue, Suite 300**  
**Bloomfield Hills, Michigan 48304**  
**(248) 203-0700**

  
Dennis J. Denen

Neil P. Young

Residence address and Post Office  
Address:

1167 Oak Bluff Court  
Westerville, OH 43081

Citizenship: United States

Dated: 11/28/2007

Residence address and Post Office  
Address:

3240 Bear Gulch Road  
Redwood City, CA 94062

Citizenship: Canada

Dated: \_\_\_\_\_

---

Gary L. Moreau

Residence address and Post Office  
Address:

929 Loggers Circle  
Rochester, MI 48307

Citizenship: United States

Dated: \_\_\_\_\_

---

Martin Pierson

Residence address:

2662 Crooked Lake Road  
Howell, MI 48844

Post Office Address:

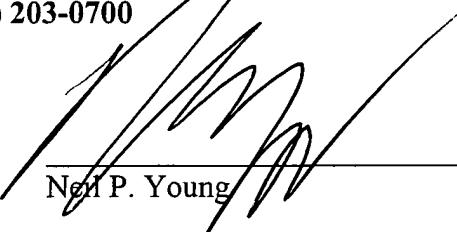
P.O. Box 572  
Howell, Michigan 48844

Citizenship: United States

Dated: \_\_\_\_\_

**Please address all correspondence and telephone calls to:**

**DYKEMA GOSSETT PLLC**  
**39577 Woodward Avenue, Suite 300**  
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**(248) 203-0700**

  
Neil P. Young

---

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Address:

1167 Oak Bluff Court  
Westerville, OH 43081

Citizenship: United States

Dated: \_\_\_\_\_

Residence address and Post Office  
Address:

3240 Bear Gulch Road  
Redwood City, CA 94062

Citizenship: Canada

Dated: 12/19/03

---

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Address:

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Rochester, MI 48307

Citizenship: United States

Dated: \_\_\_\_\_

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Citizenship: United States

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Citizenship: Canada

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Citizenship: United States

Dated: 12/1/03

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Dated: \_\_\_\_\_

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Citizenship: Canada

Dated: \_\_\_\_\_

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Gary L. Moreau

Residence address and Post Office  
Address:

929 Loggers Circle  
Rochester, MI 48307

Citizenship: United States

Dated: \_\_\_\_\_



---

Martin Pierson

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2662 Crooked Lake Road  
Howell, MI 48844

Post Office Address:

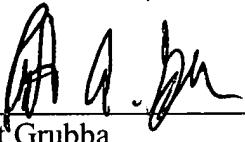
P.O. Box 572  
Howell, Michigan 48844

Citizenship: United States

Dated: 12/1/03

Atty. Dkt. No.: 69,010-237

Serial No. 09/702,466

  
Robert Grubba

Residence address and Post Office  
Address:

290 Golden Saddle Lane  
Ormond Beach, Florida 32174

Citizenship: United States

Dated: 12-3-03

BH01\429857.1  
IDVLDO



## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Denen, et al.

Application No./Patent No.: 09/702,466

Filed/Issue Date: 10/31/00

Entitled: **CONTROL AND MOTOR ARRANGEMENT FOR USE IN MODEL TRAIN**

Lionel L.L.C.

, a limited liability company

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12-17-03

Date

586 949 4100

Telephone number

Scott Turkington

Typed or printed name

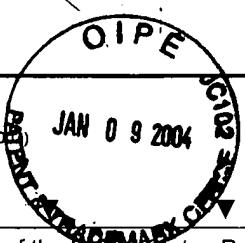


Chief Financial Officer

Title

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JAN 15 2001  
TECHNOLOGY CENTER 2800

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## **PATENTS ONLY**

### Tab settings ➔ ➔ ➔

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

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## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

JEFFREY L. DOYLE

Name of Person Signing

Signature

01/09/2004

Date

Total number of pages including cover sheet, attachments, and

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P.O. Box 1450, Washington, D.C. 20532-1450

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**COPY**

Atty. Dkt. No.: 69,010-237  
Serial No. 09/702,466

**ASSIGNMENT  
(Joint Inventors)**

WHEREAS we, Dennis J. Denen, Neil P. Young, Gary L. Moreau, Martin Pierson, and Robert Grubba (hereinafter referred to as Assignors), residing respectively at 1167 Oak Bluff Court, Westerville, OH 43081, 3240 Bear Gulch Road, Redwood City, CA 94062, 929 Loggers Circle, Rochester, MI 48307, 2662 Crooked Lake Road, Howell, MI 48844, and 290 Golden Saddle Lane, Ormond Beach, FL 32174 have invented new and useful improvements in:

**CONTROL AND MOTOR ARRANGEMENT FOR USE IN MODEL TRAINS**

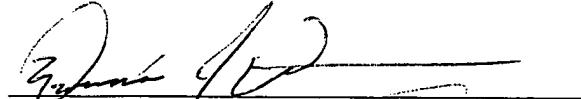
which is set forth in United States Patent Application Serial No. 09/702,466 filed on October 31, 2000 and amended by any amendment thereto submitted therewith (if any) and which is a Continuation-In-Part of U.S. Application Serial No. 09/185,558 filed November 4, 1998 (now abandoned);

AND WHEREAS, Lionel L.L.C. (hereinafter referred to as Assignee), of 50625 Richard W. Blvd., Chesterfield, MI 48051, is desirous of acquiring the entire right, title, and interest in and to said invention and said application for Letters Patent of the United States, and in and to Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW THEREFORE, be it known by all whom it may concern, that for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Assignors have assigned, sold and set over, and by these presents assign, sell and set over unto the Assignee, its successors, legal representatives and assigns, for the territory of the United States of America and all foreign countries, the entire right, title and interest in and to said invention, said application for Letters Patent, including the right to file foreign patent applications corresponding to said application, and the right to claim the date of said application for Letters Patent and any legal equivalents thereof, and any and all Letters Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and to any and all divisions, continuations, and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents prepared and executed by Assignors on even date herewith, the same to be held and enjoyed by the Assignee, as fully and entirely as the same would have been held by the Assignors had this Assignment and sale not been made.

AND the Assignors hereby covenant and agree that the Assignors will at any time upon the request and at the expense of the Assignee execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to said invention and to obtain Letters Patent therefor, and the Assignors hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said Assignee in accordance with this Agreement.

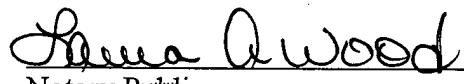
IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
\_\_\_\_ day of \_\_\_\_\_, 2003.

  
\_\_\_\_\_  
Dennis J. Denen  
DENEN

STATE OF )  
 )  
COUNTY OF )

Before me personally appeared said Dennis J. Denen and  
acknowledged the foregoing instrument to be his own free act and deed, the 25<sup>th</sup> of  
November, 2003.

SEAL



Notary Public



LAURA A. WOOD  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
November 12, 2008

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
\_\_\_\_ day of \_\_\_\_\_, 2003.

Neil P. Young

STATE OF )  
 )  
COUNTY OF )

Before me personally appeared said \_\_\_\_\_ and  
acknowledged the foregoing instrument to be his own free act and deed, the \_\_\_\_\_ of  
\_\_\_\_\_, 2003.

SEAL

Notary Public

Atty. Dkt. No.: 69,010-237  
Serial No. 09/702,466

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
\_\_\_\_ day of \_\_\_\_\_, 2003.

Dennis J. Denan

STATE OF )  
COUNTY OF )

Before me personally appeared said \_\_\_\_\_ and acknowledged the foregoing instrument to be his own free act and deed, the \_\_\_\_\_ of \_\_\_\_\_, 2003.

Notary Public

SEAL

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
19 day of December, 2003. 

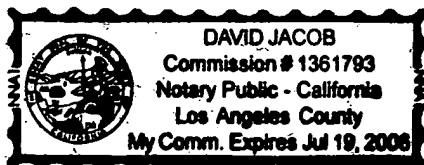
Neil ~~F.~~ Young

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )

Before me personally appeared said NEIL P. YOUNG and acknowledged the foregoing instrument to be his own free act and deed, the 19 of December, 2003.

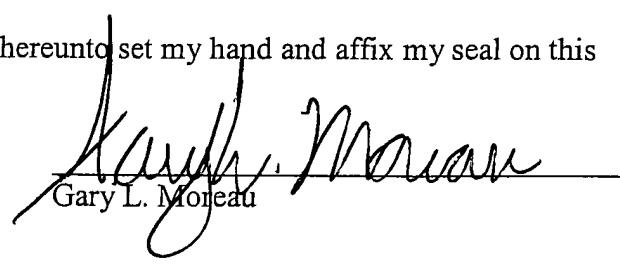
David Jacobs  
Notary Public

SEAT.



Atty. Dkt. No.: 69,010-237  
Serial No. 09/702,466

1<sup>ST</sup> IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
day of DECEMBER, 2003.

  
Gary L. Moreau

STATE OF MICHIGAN )  
COUNTY OF MACOMB )

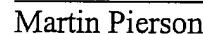
Before me personally appeared said Gary Louis Moreau and  
acknowledged the foregoing instrument to be his own free act and deed, the 1<sup>ST</sup> of  
December, 2003.

  
Alexander E. Varchett  
Notary Public

SEAL

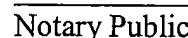
ALEXANDER E. VARCHETT  
NOTARY PUBLIC MACOMB CO., MI  
MY COMMISSION EXPIRES Feb 3, 2008

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
day of                   , 2003.

  
Martin Pierson

STATE OF )  
              )  
COUNTY OF )

Before me personally appeared said                    and  
acknowledged the foregoing instrument to be his own free act and deed, the            of  
                  , 2003.

  
Notary Public

SEAL

Atty. Dkt. No.: 69,010-237  
Serial No. 09/702,466

---

Gary L. Moreau

STATE OF )  
COUNTY OF )

Before me personally appeared said \_\_\_\_\_ and  
acknowledged the foregoing instrument to be his own free act and deed, the \_\_\_\_\_ of  
, 2003.

---

**Notary Public**

**SEAL**

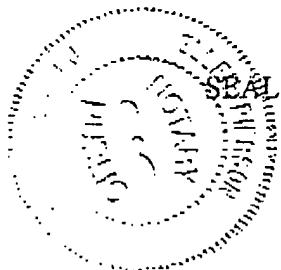
9<sup>th</sup> IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this day of JANUARY, 2000~~0~~<sup>9</sup>.

M. Pierson  
Martin Pierson

STATE OF **ELLEN PIERSON**  
COUNTY OF **voluntary Public Livingston County, Michigan**  
Mr Commission Expires **02-17-2007**

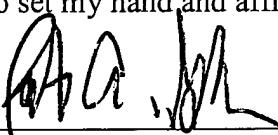
Before me personally appeared said Martin Pierson and  
acknowledged the foregoing instrument to be his own free act and deed, the 9<sup>th</sup> of  
January, 20077.

## Notary Public



Atty. Dkt. No.: 69,010-237  
Serial No. 09/702,466

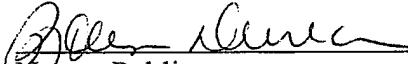
IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
04 day of Dec, 2003.



\_\_\_\_\_  
Robert Grubba

STATE OF Florida )  
 )  
COUNTY OF Volusia )

Before me personally appeared said Robert A. Grubba and  
acknowledged the foregoing instrument to be his own free act and deed, the 4<sup>th</sup> of  
December, 2003.



\_\_\_\_\_  
Notary Public

SEAL

ROBIN DURHAM  
NOTARY PUBLIC - STATE OF FLORIDA  
COMMISSION # DD197816  
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Please return this document to:

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39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304  
(248) 203-0700

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U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

## PATENTS ONLY

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JAN 09 2004

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

DENNIS J. DENEN, NEIL P. YOUNG, GARY L. MOREAU,  
MARTIN PIERSON and ROBERT GRUBBA

Additional names(s) of conveying party(ies)

 Yes  No

## 3. Nature of conveyance:

<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other	

Execution Date: 11/24/03; 12/19/03; 12/01/03; 1/09/04; 12/04/03

Additional name(s) &amp; address(es)

 Yes  No

## 4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.

Filing date

B. Patent No.(s)

09/702,466

10/31/2000

Additional numbers

 Yes  NoRECEIVED  
JAN 15 2004  
TECHNOLGY CTR/CLK 2800

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: JEFFREY L. DOYLE

Registration No. 54,074

Address: 39577 WOODWARD AVENUE

SUITE 300

City: BLOOMFIELD HILLS State/Prov.: MI

Country: USA ZIP: 48304

## 6. Total number of applications and patents involved:

2

## 7. Total fee (37 CFR 3.41): \$ 80.00

 Enclosed - Any excess or insufficiency should be credited or debited to deposit account Authorized to be charged to deposit account

## 8. Deposit account number:

04-2223

(Attach duplicate copy of this page if paying by deposit account)

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

JEFFREY L. DOYLE

Name of Person Signing

Signature

01/09/2004

Date

7

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Mail documents to be recorded with required cover sheet information to:

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Director of the United States Patent and Trademark Office

P.O. Box 1450, Alexandria, VA 22313-1450

**ASSIGNMENT  
(Joint Inventors)**

WHEREAS we, Dennis J. Denen, Neil P. Young, Gary L. Moreau, Martin Pierson, and Robert Grubba (hereinafter referred to as Assignors), residing respectively at 1167 Oak Bluff Court, Westerville, OH 43081, 3240 Bear Gulch Road, Redwood City, CA 94062, 929 Loggers Circle, Rochester, MI 48307, 2662 Crooked Lake Road, Howell, MI 48844, and 290 Golden Saddle Lane, Ormond Beach, FL 32174 have invented new and useful improvements in:

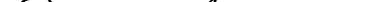
**CONTROL AND MOTOR ARRANGEMENT FOR USE IN MODEL TRAINS**

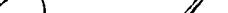
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AND WHEREAS, Lionel L.L.C. (hereinafter referred to as Assignee), of 50625 Richard W. Blvd., Chesterfield, MI 48051, is desirous of acquiring the entire right, title, and interest in and to said invention and said application for Letters Patent of the United States, and in and to Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW THEREFORE, be it known by all whom it may concern, that for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Assignors have assigned, sold and set over, and by these presents assign, sell and set over unto the Assignee, its successors, legal representatives and assigns, for the territory of the United States of America and all foreign countries, the entire right, title and interest in and to said invention, said application for Letters Patent, including the right to file foreign patent applications corresponding to said application, and the right to claim the date of said application for Letters Patent and any legal equivalents thereof, and any and all Letters Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and to any and all divisions, continuations, and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents prepared and executed by Assignors on even date herewith, the same to be held and enjoyed by the Assignee, as fully and entirely as the same would have been held by the Assignors had this Assignment and sale not been made.

AND the Assignors hereby covenant and agree that the Assignors will at any time upon the request and at the expense of the Assignee execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to said invention and to obtain Letters Patent therefor, and the Assignors hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said Assignee in accordance with this Agreement.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this day of \_\_\_\_\_, 2003. 

  
Dennis J. Denen DENEN 

STATE OF )  
COUNTY OF )

Before me personally appeared said Dennis J. Denen and acknowledged the foregoing instrument to be his own free act and deed, the 25<sup>th</sup> of November, 2003.

SEAL

Laura A. Wood

Notary Public  
STATE OF OHIO  
NOTARIAL SEAL

LAURA A. WOOD  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
November 12, 2008

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
\_\_\_\_ day of \_\_\_\_\_, 2003.

Neil P. Young

STATE OF )  
COUNTY OF )

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## Notary Public

SEAL

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\_\_\_\_ day of \_\_\_\_\_, 2003.

Dennis J. Denan

Before me personally appeared said \_\_\_\_\_ and acknowledged the foregoing instrument to be his own free act and deed, the \_\_\_\_\_ of \_\_\_\_\_, 2003.

## Notary Public

SEAL

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
19 day of December, 2003. 

~~Nei V.P. Young~~

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )

Before me personally appeared said NEIL P. YOUNG and acknowledged the foregoing instrument to be his own free act and deed, the 19 of December, 2003.

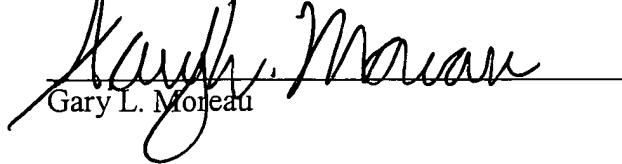
David  
Notary Public

SEAL



Atty. Dkt. No.: 69,010-237  
Serial No. 09/702,466

1<sup>ST</sup> IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
day of DECEMBER, 2003.

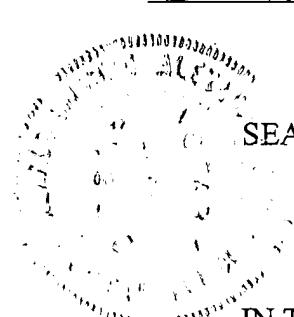
  
Gary L. Moreau

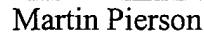
STATE OF MICHIGAN )  
COUNTY OF MACOMB )

Before me personally appeared said Gary Louis Moreau and  
acknowledged the foregoing instrument to be his own free act and deed, the 1<sup>ST</sup> of  
December, 2003.

  
Alexander E. Varchetti  
Notary Public

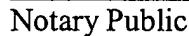
ALEXANDER E. VARCHETTI  
NOTARY PUBLIC MACOMB CO., MI  
MY COMMISSION EXPIRES Feb 3, 2006

  
IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
day of \_\_\_\_\_, 2003.

  
Martin Pierson

STATE OF )  
COUNTY OF )

Before me personally appeared said \_\_\_\_\_ and  
acknowledged the foregoing instrument to be his own free act and deed, the \_\_\_\_\_ of  
\_\_\_\_\_, 2003.

  
Notary Public

SEAL

Atty. Dkt. No.: 69,010-237  
Serial No. 09/702,466

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Gary L. Moreau

STATE OF )  
COUNTY OF )

Before me personally appeared said \_\_\_\_\_ and acknowledged the foregoing instrument to be his own free act and deed, the \_\_\_\_\_ of \_\_\_\_\_, 2003.

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**Notary Public**

**SEAL**

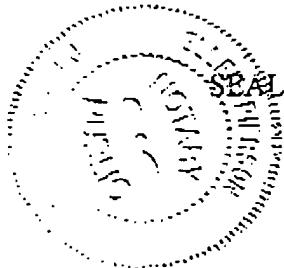
9<sup>th</sup> IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this day of JANUARY, 200~~0~~<sup>1</sup>9.

M. Pierson  
Martin Pierson

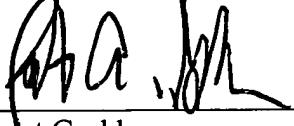
STATE OF **ELLEN PIERSON**  
COUNTY OF **Voluntary Public Livingston County, Michigan**  
My Commission Expires **02-17-2007**

Before me personally appeared said Martin Pierson and  
acknowledged the foregoing instrument to be his own free act and deed, the 9<sup>th</sup> of  
January, 200<sup>7</sup>4

Elin Pierson  
Notary Public



IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal on this  
04 day of Dec, 2003.



Robert Grubba

STATE OF Florida )  
 )  
COUNTY OF Volusia )

Before me personally appeared said Robert A. Grubba and  
acknowledged the foregoing instrument to be his own free act and deed, the 4<sup>th</sup> of  
December, 2003.



\_\_\_\_\_  
Notary Public

SEAL

ROBIN DURHAM  
NOTARY PUBLIC - STATE OF FLORIDA  
COMMISSION # DD197816  
EXPIRES 04/25/2007  
BONDED THRU 1-888-NOTARY1

Please address all correspondence and telephone calls, and upon recordation  
Please return this document to:

**DYKEMA GOSSETT PLLC**  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304  
(248) 203-0700